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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,893	02/09/2001	Scott Weller		9028

25853 7590 05/31/2005

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EXAMINER

JARRETT, SCOTT L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,893

Applicant(s)

WELLER, SCOTT

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 and 19-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-17 and 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Final** Office Action is responsive to Applicant's amendment filed.

Applicant's amendment of March 23, 2005 amended the specification and drawings, amended claims 7-17 and 19, canceled claims 1-6 and 18 and added new claim 20.

Currently claims 7-17 and 19-20 are pending.

Response to Amendment

2. Applicant's amendment filed on March 23, 2005 with respect to canceled claims 1-6 and 18, amended of claims 7-17 and 19 and new claim 20 necessitated new ground(s) of rejection.

Response to Arguments

3. Applicant's arguments with respect to canceled claims 1-6 and 18, amended of claims 7-17 and 19 and new claim 20 have been considered but are moot in view of the new ground(s) of rejection.

In the Applicant's remarks regarding amended claims 7-17 and 19 and new claim 20 applicant states the invention produces a "project fair"; almost auction-like that enables agents (freelancers, workers, contractors, e-lance professionals, etc.) to choose (accept, elect, etc.) various assignments (work projects) that interest them in real time (Page 15, Paragraph 2).

Bukow teaches an online marketplace (exchange, portal, store front, stores, shop, bazaar, etc.) for services wherein agents can select project work (Abstract; Figure 1. Further it is noted that online marketplaces represent one of the most well-known and well established concepts in electronic commerce (ebusiness, ecommerce, etc.). More specifically the use in ecommerce of auctions (Dutch, double Dutch, reverse, etc.), postings (e.g. job boards), matching engines, search engines, online negotiations, request for proposal management, procurement, project management, purchasing and the like to power marketplaces (private, public, vertical, horizontal, business-to-business, business-to-consumer, consumer-to-consumer, etc.) for goods, services, products, information or a plurality of other wares is well established.

Further the use of the above mentioned concepts is well known, as cited in First Office Action, in the services industry and exemplified by the plurality of such marketplaces including but not limited to Monster.com Talent Market, eWork.com Exchange, eLance, bid4geeks, freeagent and eBay (Eisenberg D., We're for hire, just click).

It is noted that the applicant did not challenge the Official Notice cited in the First Office Action therefore those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention to provide a means to preventing the assignment of more resources (agents) to a particular project/effort than is required or allowed (i.e. immediately locking

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out each of a plurality of agents from reviewing the work project/assignment after it has been accepted by at least one agent).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8, 13-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Bukow, U.S. Patent No. 6,567,784 in view of Ojha et al., U.S. Patent No. 6,598,026.

Regarding Claim 7 Bukow teaches a system method for persons to review and select work projects over a computer network (Internet) comprising:

(a) central computer (web server, application server, system, module, etc.) acting as a central coordinating site (Column 2, Lines 14-33; Figure 1);

(b) a plurality of remote terminals in communication with the central computer ("...a web interface to allow distributed access to the system over the Internet...", Column 2, Lines 15-16);

c) means for transferring a two-way data stream between the central server and the plurality of remoter terminals ("...a web interface to allow distributed access to the system over the Internet...", Column 2, Lines 15-16; "...message could be sent by e-mail, fax, pager, telephone, web page, and/or some other medium...", Column 8, Lines 30-33);

d) a database containing work project descriptions (“...the worker and project information is stored in a database coupled in communication with the matching system...”, Column5 , Lines 46-48);

e) a database containing a description of a plurality of agents seeking work assignments (“...the worker and project information is stored in a database coupled in communication with the matching system...”, Column 5 , Lines 46-48);

f) restricting agent access to projects (screening) such that agents only access/view projects that their broad qualifications/characteristics (e.g. skill set/level, location, etc.) match a project’s broad criteria (i.e. presenting agents with a list of the projects they match; “...only workers, or projects, meeting the mandatory characteristics are selected...the result is a subset of the total number of workers, or projects, matching the project criterion or worker needs...”, Abstract; Figures 4-5);

g) enabling a plurality of agents to access, simultaneously, a plurality of work project descriptions (first database), wherein the agents can only access/view projects whose broad criteria match their broad qualifications (“...a web interface to allow distributed access to the system over the Internet...”, Column 2, Lines 15-16; Abstract; Figures 1, 4-5); and

h) enabling an agent to accept at least one of the plurality of work projects for review (“Project creators and workers can request matching workers and projects, respectively”, Column 1, Lines 59-61; Column 8, Lines 22-35; “Make Match”; Figures 3-5).

Bukow further teaches that traditional (conventional, old and well known in the art) systems for persons to review and select projects (matching systems, job boards, etc.) merely provide a listing of agents/project (forum, listing, bulletin board, classified, etc.) and sometimes offer search capabilities that can improve the users ability to find and select/accept agents and/or projects (make a match; i.e. there was no central server/system that would automatically match agents/projects leaving users responsible for finding their own match; Column 1, Lines 12-50).

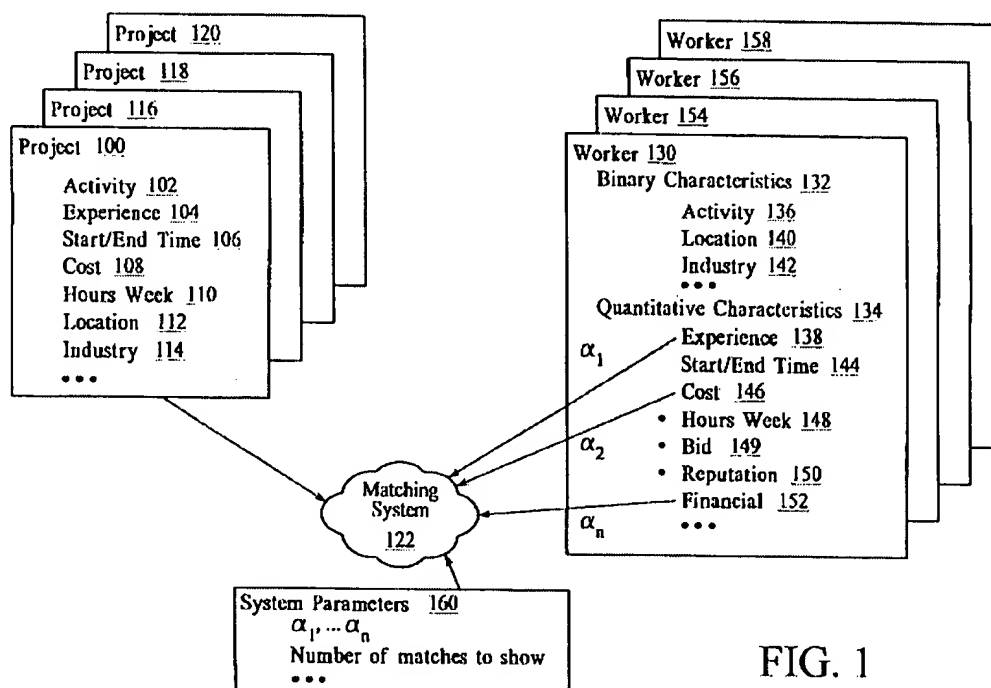


FIG. 1

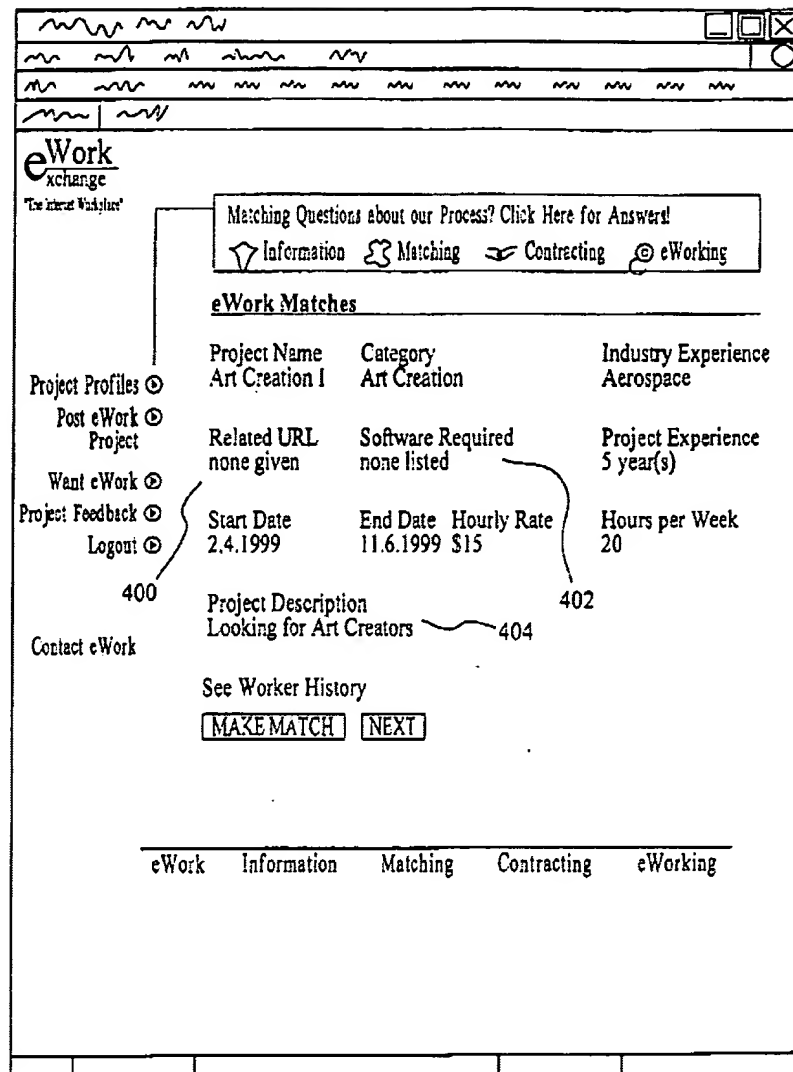


FIG. 4

Bukow does not expressly teach that the online method and system for persons to review and select work projects provides for the immediate assignment (purchase, selection, acceptance, etc.) of a work project accepted by one of the plurality of agents or enables the immediate locking out the plurality of other agents from reviewing the assignment after the project has been accepted by at least one of the plurality of work projects.

Ojha et al. teach an online method and system for persons to review and select work projects (online marketplace for products, goods, services, etc.; "...facilitation of transactions between buyers and sellers on the Web.", Column 1, Lines 19-20; "...allows traditional negotiation between a buyer and seller to occur." Column 2, Lines 47-63; Figure 2) wherein the system:

- enables the immediate assignment (purchase, selection, acceptance, etc.) of an offer (bid, work project, project, service, etc..) accepted by one of the plurality of agents ("...the seller may specify a set of business rules according to which automated responses to posted bids are generated. The response to a bid may be an acceptance of the bid...", Column 4, Lines 1-3; Column 3, Lines 69-68);
- enables the immediate locking out of the plurality of other agents from reviewing/accepting the assignment after the project has been accepted by at least one of the plurality of work projects ("...a mechanism is provided by which negotiations with a number of sellers may be automatically terminated when the buyer reaches an agreement with any one seller...", Column 4, Lines 31-34).

More generally Ojha et al. teach a method and system for conducting electronic commerce (brokering online transactions between buyers and sellers in an online marketplace; i.e. between project creators and agents) wherein the system comprises:

- a central server/system acting as a central coordinating site (Figure 1);
- a plurality of remote terminals in communication with the central system (Figure 1);
- a two-way communication means (internet, network, Figure 1);

- a database of seller and buyer information (products, bids, etc.; Column 2, Lines 51-63); and
- enabling a plurality of buyers and sellers (agents) to simultaneously review and transact (bid, negotiate) on a plurality of products (work projects, services, etc.; Column 4, Lines 49-68; "...buyer is enabled to negotiate substantially simultaneously with the plurality of sellers via the Internet.", Column 5, Lines 1-9).

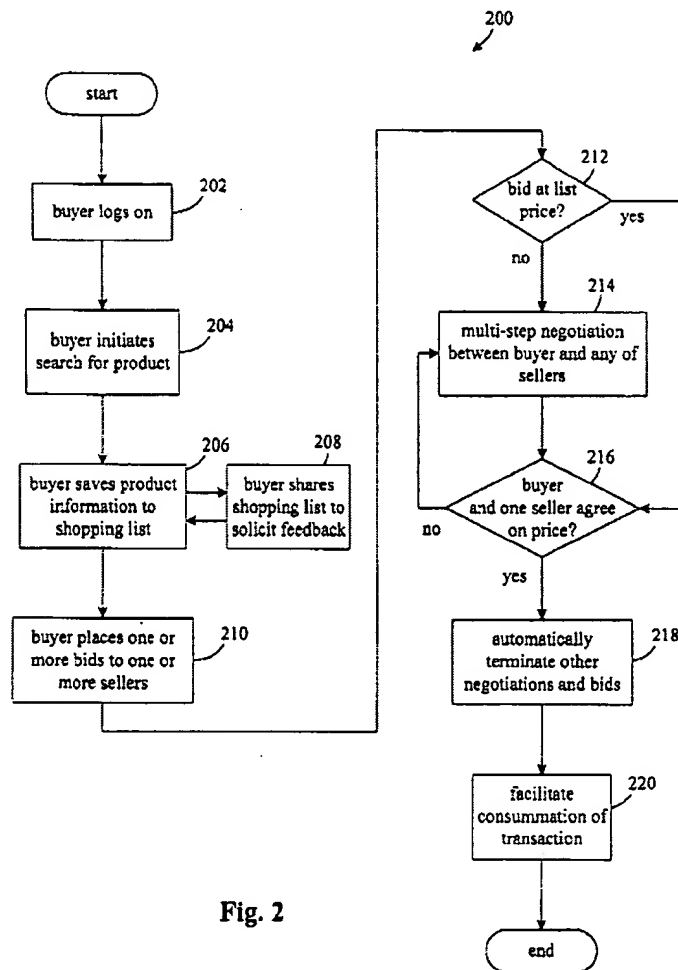


Fig. 2

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to review and select work projects (i.e.

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an online transaction between a buyer and seller of services conducted in an online marketplace/project-fair) as taught by Bukow would have utilized a plurality of well known and widely used Internet electronic commerce/marketplace (e-business, ecommerce) techniques, tools, models, systems and the like to facilitate online transactions between buyers and sellers (i.e. the selection/purchase/acceptance of work projects created by project creators by agents), wherein the transactions (negotiations) between the buyers and sellers in the marketplace are provided with the ability to

- immediately accept (assign) an offer (work project, bid, etc.) resulting in a more automated/autonomous system (Ohja et al.: Column 4, Lines 1-4); and

- lock out other persons from accepting the bid (offer, assignment) once the negotiations have completed (bid acceptance) thereby preventing more than one person from accepting (transacting) the one work project and/or enabling buyers to place multiple bids simultaneous when intending to only make a single purchase (Ohja et al: Column 4, Lines 45-49)

in view of the teachings of Ojha et al.; the resultant system facilitating the negotiation/transaction of work projects in a substantially automated fashion.

Regarding Claim 8 Bukow teaches that the method and system for persons to review and select projects further comprises posting (including, providing, web page, etc.) information related to the execution of the project (activities, task list, check list, project plan, deliverables list, etc.; Abstract; Column 2, Lines 53-68; Figure 1, Element 136).

Regarding Claim 13 Bukow teaches an online system method for persons to review and select work projects having:

- central computer (web server, application server, system, module, etc.) acting as a central coordinating site (Column 1, Lines 14-35; Figure 1);

- a plurality of remote terminals in communication with the central computer (“...a web interface to allow distributed access to the system over the Internet...”, Column 2, Lines 15-16);

- a communication means for transferring a two-way data stream between the central server and the plurality of remoter terminals (“...a web interface to allow distributed access to the system over the Internet...”, Column 2, Lines 15-16; “...message could be sent by e-mail, fax, pager, telephone, web page, and/or some other medium...”, Column 8, Lines 30-33);

- a database containing work project descriptions (“...the worker and project information is stored in a database coupled in communication with the matching system...”, Column5 , Lines 46-48);

- a database containing a description of a plurality of agents seeking work assignments (“...the worker and project information is stored in a database coupled in communication with the matching system...”, Column5 , Lines 46-48); and

- enabling an agent to accept at least one of the plurality of work projects for review (Column 1, Lines 59-61; Column 8, Lines 22-35; “Make Match”; Figures 3-5);

comprising the steps of:

(a) obtaining qualifications (characteristics, parameters, etc.) for each of the plurality of agents (Abstract; Figure 1);

(b) matching the agent qualifications to (with) each of the plurality of work projects (Column 1, Lines 53-68; Column 2, Lines 1-5);

(c) restricting access to a set of work projects to agents whose qualifications match project criteria (e.g. scope of work, type of work, technologies needed, skill set/level required, etc.; "...only workers, or projects, meeting the mandatory characteristics are selected...the result is a subset of the total number of workers, or projects, matching the project criterion or worker needs...", Abstract; Figures 4-5);

(d) posting (storing, make available, web page) the plurality of work project descriptions on the central server/system (web server, application server, component, module, etc.; Column 8, Lines 1-49; Figures 3-5);

(e) having each of the plurality of agents review/view the plurality of work projects, based on the agent's qualifications as discussed above (restricted access, posting projects);

(f) having one of the plurality of agents accept one of the plurality of work project descriptions (Column 1, Lines 59-61; Column 8, Lines 22-35; "Make Match"; Figures 3-5);

(h) periodically (regularly, on a scheduled or user triggered basis) matching work projects and agents (i.e. repeating the steps of matching/assigning agents to projects; Column 5, Lines 10-68).

Bukow does not expressly teach that the online method and system for persons to review and select work projects provides for the immediate assignment (purchase, selection, acceptance, etc.) of a work project accepted by one of the plurality of agents or enables the immediate locking out of the plurality of other agents from reviewing the assignment after the project has been accepted by at least one of the plurality of work projects.

Ojha et al. teach an online method and system for persons to review and select work projects (online marketplace for the purchase/selection of goods, services, products, etc.; "...facilitation of transactions between buyers and sellers on the Web.", Column 1, Lines 19-20; "...allows traditional negotiation between a buyer and seller to occur." Column 2, Lines 47-63; Figure 2) wherein the system:

- enables the immediate assignment (purchase, selection, acceptance, etc.) of an offer (bid, work project, project, service, etc..) accepted by one of the plurality of agents ("...the seller may specify a set of business rules according to which automated responses to posted bids are generated. The response to a bid maybe an acceptance of the bid...", Column 4, Lines 1-3; Column 3, Lines 69-68);
- enables the immediate locking out the plurality of other agents from reviewing/accepting the assignment after the project has been accepted by at least one of the plurality of work projects ("...a mechanism is provided by which negotiations with

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a number of sellers may be automatically terminated when the buyer reaches an agreement with any one seller...", Column 4, Lines 31-34).

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to review and select work projects (i.e. an online transaction between a buyer and seller of services conducted in an online marketplace/project-fair) as taught by Bukow would have utilized a plurality of well known and widely used Internet electronic commerce/marketplace (e-business, ecommerce) techniques, tools, models, systems and the like to facilitate online transactions between buyers and sellers (i.e. the selection/purchase/acceptance of work projects created by project creators by agents), wherein the transactions (negotiations) between the buyers and sellers in the marketplace are provided with the ability to

- immediately accept (assign) an offer (work project, bid, etc.) resulting in a more automated/autonomous system (Ohja et al.: Column 4, Lines 1-4); and

- lock out other persons from accepting the bid (offer, assignment) once the negotiations have completed (bid acceptance) thereby preventing more than one person from accepting (transacting) the one work project and/or enabling buyers to place multiple bids simultaneous when intending to only make a single purchase (Ohja et al: Column 4, Lines 45-49)

in view of the teachings of Ojha et al.; the resultant system facilitating the negotiation/transaction of work projects in a substantially automated fashion.

Regarding Claim 14 Bukow teaches that the online system and method for matching agents and project work further comprises the specification of a plurality of work project data including but not limited to establishing a work value for the work project accepted by one of the plurality of agents (i.e. the amount to be paid for the project; Column 3, Lines 34-42; Figure 1, Element 100).

Regarding Claim 15 Bukow teaches that the online system for matching agents and work projects further comprises the enablement of communication between the party posting the work project and an agent ("...message could be sent by e-mail, fax, pager, telephone, web page, and/or some other medium...", Column 8, Lines 30-33).

Regarding Claim 16 Bukow teaches an online system for matching agents and work projects wherein the communication is (contains, includes, provides) at least one of the following: agent resume (characteristics, location, industry, etc.), set of terms for performing work project (amount to be paid, number of hours work, etc.), a schedule of payments, an invoice for work completed, a status report, a partial delivery of a work project or a final work product (Column 3, Lines 35-60, Figure 1).

Regarding Claim 17 Bukow teaches an online system for matching agents and work projects wherein a plurality of project related information is communicated between the agents and the creators of the work projects including but not limited to a

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set of terms for performing the work project that contains (is) at least one of the following: a work project schedule (completion, milestones, deliverables, etc.; start/end times/dates; Figures 1 and 4-5), a list of other agents (personnel, team members) assigned to the work project and a billing rate (compensation rate; Column 3, Lines 35-60; Figures 1 and 4-5).

Regarding Claim 20 Bukow teaches that the online system for matching agents and work projects further comprises having a plurality of agents make bids on the work project (e.g. auction) as the project is being reviewed by the plurality of agents ("The bid 149 allows a worker to specify how much he/she is willing to pay for a successful match.", Column 4, Lines 10-20; Figure 1 Element 149).

While Bukow teaches the utilization of bids as part of the work project selection/matching criteria Bukow does not expressly teach that the online system for persons to select work projects further comprises having one of the plurality of agents accept one of the plurality of work projects descriptions in consideration of the bids made by other agents who are bidding on the work project.

Ojha et al. teach an online method and system for facilitating transactions between a plurality of buyers and sellers (bids/offers; online marketplace for the purchase/selection of goods, services, products and the like) as discussed above. Ojha et al. further teaches that the online marketplace system provides other seller bid

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information and further wherein the information is utilized as part of the sellers negotiation/transaction process (Column 17, Lines 54-68).

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to select work projects, specifically with its ability to accept bids from agents, would have benefited from providing a plurality of well known auction/negotiation methods and systems in view of the teachings of Ojha et al.; the resultant system providing a robust online marketplace wherein buyers and sellers (agents and work project creators) can select projects and personnel.

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to review and select work projects (i.e. an online transaction between a buyer and seller of services conducted in an online marketplace/project-fair) as taught by Bukow would have utilized a plurality of well known and widely used Internet auction/negotiation methods and systems, tools, models, systems and the like to facilitate online transactions (auctions) between buyers and sellers (i.e. the selection/purchase/acceptance of work projects created by project creators by agents), wherein the transactions (negotiations) between the buyers and sellers in the marketplace are provided with the ability to one of the plurality of agents accept one of the plurality of work projects in consideration of the bids made by other agents who are bidding on the work project in view of the teachings of Ojha et al.; the resultant system facilitating the negotiation/transaction of work projects in which sellers

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can create bundle responses or offer a related product/service thereby provide a more flexible online marketplace (Column 17, Lines 54-68; Column 18, Lines 1-5).

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6. Claims 9-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bukow, U.S. Patent No. 6,567,784 in view of Ojha et al., U.S. Patent No. 6,598,026 as applied to claims 7-8, 13-17 and 20 above, and further in view of Stipanovich et al., U.S. Patent No. 5,117,353.

Regarding Claim 9 Bukow teaches that the online method for matching projects and workers further comprises unique agent identification (unique identifier; login/password, Figure 2; Figure 6, Element 600; Column 8, Lines 41-42).

Bukow does not expressly teach that the utilization of an identification number for each agent.

Stipanovich et al. teach a system for assigning and distributing work over a computer network as discussed above and further comprising an agent identification number (Column 13, Lines 55-56).

More generally Stipanovich et al. teach a system for screening agents (temporary help), assisting agents in testing their skills, receiving project work descriptions (job orders) from a plurality of clients, matching agents based on their qualifications to work projects, monitoring the work project in progress and making payments for work completed (Column 2, Lines 1-12; Figure 2; Figure 12; Claim 1).

Stipanovich et al. teach a system for assigning and distributing work over a computer network comprising:

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- a central computer for coordinating the assigning and distribution of work (Figure 1, Element 11);
- a plurality of terminals (Column 4, Lines 36-45; Claim 1);
- communication between the system and at least one other system (Inter-System Communication; Figure 12; Column 16, Lines 27-68, Column 17, Lines 43-50; Column 2, Lines 13-22);
- a database containing work project descriptions (job orders; Figure 4, Element 300; Column 13, Lines 43-53; Column 14, Lines 55-68; Column 15, Lines 1-68; Column 16, Lines 1-24);
- a database containing agent profiles (employee inventory, qualifications, skills, availability, etc.; Column 13, Lines 42-68; Column 14, Lines 1-54);
- a means for screening the set of qualifications of agents and matching agent qualifications to work project descriptions (Figure 1, Element 2; Figure 2; Element 12; Column 2, Lines 1-18; Column 3, Lines 24-25; Column 4, Lines 46-54; Column 8, Lines 20-60);
- a means for accessing work project descriptions (database) for review of work projects by an agent (Figure 6a; Column 9, Lines 50-61);
- a means for accepting a work project by an agent (Figure 6a, Elements 100-102; Column 3, Lines 59-65; Column 9, Lines 50-61);
- establishing a work value (billing information, pay rate (low, high and actual), gross profit, time spent; Column 15, Lines 21-30 and Line 62; Column 16, Lines 4-24; Claim 1) for a project accepted by an agent; and

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- communicating a plurality of information regarding work projects (job order, job information; Columns 14-16) that is used to manage and communicate information regarding work projects amongst agents, the temporary help business and customers (Job Order File Format, Column 14, Lines 55-68, Column 15, Lines 1-68; Job Information, Column 16, Lines 4-24; Report Trends and Patterns, Lines 28-41; Figures 4 and 12).

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to select work projects, especially the system's ability to uniquely identify agents/persons utilizing the system, would have benefited from utilizing an identification number in view of the teachings of Stiponovich et al.; the resultant system further providing for the unique identification of users for the purposes of personalizing (i.e. work projects listed for an agent are those they are qualified/matched with) and/or securing the marketplace (Bukow: login/password, Figure 2).

Regarding Claims 10 and 11 Bukow does not teach that the online system and method for persons to review and select projects further comprises the ability to track work project progress or verify the status of at least one work project.

Stipanovich et al. teach the monitoring and reporting on work progress and agent performance, wherein such information is utilized for such things as monitoring

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worker/agent performance (monitoring jobs-in-progress, trend reports and patterns; Column 2, Lines 8-10; Column 10, Lines 45-68; Column 11, Lines 1-22; Figures 7, 8, 10 and 11).

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to select work projects would have benefited from utilizing/enabling well known management/project management methods such as the monitoring and tracking of work project status/progress in view of the teachings of Stiponavich et al.; the resultant system further providing users with a collaborative work environment through which both the agent and the project creator can successfully complete the work projects and/or monitor the performance of agents (employees, workers, etc.; Column 2, Lines 9-11).

Regarding Claim 12 Bukow teaches that the online system and method for matching agents and project work further comprises the specification of a plurality of work project data including but not limited to the amount to be paid for the project the start/end dates for the project, number of hours worked, pay rates and the like (Column 3, Lines 35-60; Figure 1).

Bukow does not expressly teach that the online system for matching agents and work projects further comprises the payment to at least one agent upon completion of at least one work project.

Stipanovich et al. teach a means for making payment to agents upon completion of a work project (generating payroll checks; Column 12, Lines 32-59; Figure 9).

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to select work projects would have benefited from enabling project creators to pay agents for work projects completed in view of the teachings of Stipanovich et al. (“...determines their pay and prints payroll checks...”; Column 2, Lines 9-12); the resultant system further providing users with a convenient system wherein a plurality of well known project related tasks, such as the payment for services rendered, is conducted in a substantially automated manner.

Regarding Claim 19 Bukow teaches that the online system and method for persons to select work projects further comprises the tracking/monitoring of work projects through the collection of project feedback information (Column 8, Lines 36-48; Figures 6-7).

Bukow does not expressly teach that the online system and method for persons to select work projects further comprises the monitoring/tracking of the plurality of work projects, making changes to the agents assigned to work projects or the subsequent repeating of these steps until the projects are completed as claimed.

Stipanovich et al. teach monitoring the progress of work projects as discussed above and making changes to an agent assigned to work projects (replacing worker, Column 4, Lines 2-8; Column 10, Lines 56-68; Column 11, Lines 1-9; Figures 5, 6a and 7; Claim 9) until work project is complete.

Stipanovich et al. does not expressly teach the repetition of the monitoring and adjusting of agent assignments until each of the projects is completed.

Official notice is taken that it is old and well known that work projects (projects) are dynamic and that one of the activities (roles, responsibilities) of a project/program manager is the constant monitoring, tracking, analyzing and reporting of a plurality of metrics, parameters, etc. related to the work projects ongoing progress/efforts. For example project managers monitor the progress/efforts of persons assigned to the project to insure such things as professionalism, quality, timeliness, appropriate skill sets/level, availability and the like and make changes to the project's schedule, assigned resources and other variables to adjust for the dynamic nature of the project; thereby working to continually monitor and adjust the project so that the project will achieve the goals/objectives set for it (budget, timing, etc.).

It would have been obvious to one skilled in the art at the time of the invention that the online method and system for persons to select work projects as taught by Bukow with the additional capability to support a plurality of management/project

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management activities in view of the teachings of Stipanovich et al. would have provided the necessary tools (information, method, etc.) enabling the project creator (project manager) to continually monitor and make adjustments to personnel (agents) assigned to the plurality of work projects under their leadership to insure that the project had the skills, resources and the like necessary to successfully complete the project.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Huberman, Bernardo, U.S. Patent No. 6,078,906, teach a method and system for persons (agents, companies) to select work projects (document services) using an online marketplace that facilitates brokered auctions.

- Conklin et al., U.S. Patent No. 6,141,653, teach a method and system for persons/businesses to negotiate a plurality of goods/services/products over a computer network wherein the negotiation engine provides for the iterative negotiation between buyers and sellers utilizing a plurality of variables/conditions.

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- Bi et al., U.S. Patent No. 6,311,178, teach a method and system for matching multiple parties (buyers, sellers, offers, etc.) utilizing a matching engine/algorithm based on a plurality of elements (variables).

- Sheth, Beerud, U.S. Patent Publication No. 2001/0032170, assigned to eLance Inc., teaches a method and system for an online marketplace wherein users (business) may procure services. Sheth further teaches that this online marketplace is applicable to a plurality of venues including but not limited to job boards and hiring and staffing networks. Sheth teaches that the online marketplace enables users to describe and submit/post projects, invite specific vendors to bid on the project, the selection of a vendor to complete the project based on the bid a plurality of other factors and that the marketplace provides a collaborative environment for the project's completion.

- Sheth, Beerud, U.S. Patent Publication No. 2002/0026398, assigned to eLance Inc., teaches a method and system for an online marketplace of services wherein the marketplace supports the transaction, development and delivery of remote services. Sheth further teaches that the online marketplace supports a work exchange, a collaborative workspace and fulfillment processes.

- Malone, Thomas et al., The Dawn of the E-Lance Economy, the evolutionary/revolutionary impact of electronic networks (e.g. the Internet) are having on the way businesses get work done (i.e. how projects are staffed, managed and completed). Malone et al. further teaches the "rise" of the e-lancer and electronic marketplaces.

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- Cole-Gomolski, Barb, Site to collect bids from contract workers, teaches that the "...popular Internet auction is about to merge with the web-based recruiting industry." More specifically Cole-Gomolski teaches that Monster Talent Market 1.0 enables contractors/agents and project creators (businesses) "find" one another and that the "free agent controls the bids and accepts the preferred assignment."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/19/2005

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